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10/771,069

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Christopher L. Cagan

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SUITE 1400

COSTA MESA, CA 92626

EXAMINER

NEWTON, JARED W

ART UNIT

PAPER NUMBER

3693

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/771,069 | Applicant(s) CAGAN, CHRISTOPHER L. | |
| | Examiner JARED W. NEWTON | Art Unit 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u> </u> / <u> </u> / <u> </u> |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/3/04;6/26/07;6/17/08;10/29/08</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

Claim 11 is objected to because it is a duplicate of claim 4. Claim 11 should be canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 17-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the following limitations are not enabled by the specification as originally filed, so that one having ordinary skill in the art would be able to make or use the invention as claimed:

- “for each said subset, determining a sold property directive confidence score with reference to said first percentage and associating said sold property directive confidence score of said subset with each property in said subset” (claim 17, line 11). The meaning of the term "with reference to said first percentage" is unclear, and the specification does not describe how the “said first percentage” is used to determine the sold property directive score.

- “for each said preliminary subset, determining a sold property directive confidence score with reference to said first percentage and associating said sold property directive confidence score of said subset with each property in said subset” (claim 20, line 11). The meaning of the term “with reference to said first percentage” is unclear, and the specification does not describe how the “said first percentage” is used to determine the sold property directive score.
- “determining said responsive confidence score of the subject property with reference to said proportion” (claim 24, line 17). The meaning of the term “with reference to said proportion” is unclear, and the specification does not describe how the “said proportion” is used to determine the responsive confidence score.
- “after said step of selectively modifying has been performed, determining said responsive confidence score of the subject property with reference to the value of said proportion for said selected subset, said preliminary confidence score of said subject property, and said suggested valuation of said subject property” (claim 25, line 20). The meaning of the term “with reference to the value of said proportion” is unclear, and the specification does not describe how the “value of said proportion” is used to determine the responsive confidence score.
- “providing a responsive confidence score determined with reference to said valuation adjustment factor and said automated confidence score.”

(claim 26, line 10). The meaning of the term "with reference to said valuation adjustment factor and said automated confidence score" is unclear, and the specification does not describe how the "valuation adjustment factor and said automated confidence score" are used to provide the responsive confidence score.

In response to the above rejections the noted limitations should be canceled or amended, or Applicant should present arguments as to why the limitation are enabled with reference to the specification as originally filed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 11-13, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,289,965 to Bradley et al. (hereafter "Bradley").

In regard to claim 1, Bradley discloses a method of computing a responsive confidence score in response to a suggested valuation of a subject property, using a computers system, comprising the steps of:

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inputting into the computer system identity data of the subject property (see, e.g., claim 1);

inputting into the computer system the suggested valuation of the subject property (see, e.g., claim 1); and

computing a response confidence score for the suggested valuation of the subject real property (see, e.g., claim 1).

In regard to claim 2, Bradley further discloses the method as described in claim 1 wherein said responsive confidence score is computed using a reference table (containing “historical information [which] may include ... property information”) on a tangible medium (“database”) (see FIG. 13; col. 12, lines 20-46).

In regard to claim 3, Bradley further discloses the method as described in claim 2 further including the steps of inputting into the computer system a directive valuation (“second appraisal”) of the subject property;

computing a difference between the directive valuation and the suggested valuation; and

inputting the directive valuation, the suggested valuation and a difference between them into said reference table;

to thereby compute a responsive confidence score for the suggested valuation of the subject real property (see, e.g., col. 13, line 20 - col. 14, line 19).

In regard to claim 4, Bradley further discloses the method as described in claim 3 wherein said directive valuation is computed using an automated valuation model (see id.).

In regard to claim 5, Bradley further discloses the method as described in claim 3 wherein said automated valuation model provides a directive valuation having a directive confidence score (inherent in Automated Valuation Models (“AVMs”), see also col. 9, lines 47-59).

In regard to claim 6, Bradley further discloses the method as described in claim 4 wherein said directive confidence score associated with said directive valuation is inputted into the computer (see, e.g., col. 13, line 20 - col. 14, line 19).

In regard to claim 7, Bradley further discloses the method as described in claim 3 wherein said confidence score of said automated valuation model is based on a predetermined percentage probability of unacceptable excess valuation (inherent in AVMs, see also col. 9, lines 47-59).

In regard to claim 11, Bradley further discloses the method as described in claim 3 wherein said directive valuation is computed using an automated valuation model (see id.).

In regard to claim 12, Bradley further discloses the method as described in claim 3 wherein said automated valuation model provides a directive valuation having a directive confidence score (inherent in Automated Valuation Models (“AVMs”), see also col. 9, lines 47-59).

In regard to claim 13, Bradley further discloses the method as described in claim 12 wherein the confidence score of the automated valuation model is based on a predetermined percentage probability of unacceptable excess valuation (inherent in AVMs, see also col. 9, lines 47-59).

In regard to claim 15, Bradley further discloses the method as described in claim 2 wherein the reference table is constructed by: computing a set of automated valuations and automated directive confidence scores for a plurality of properties for which actual sale prices are known; and computing a responsive confidence score with reference to said set of computed automated valuations and automated directive confidence scores, said actual sale prices, and said suggested valuation of said subject property.

In regard to claim 16, the limitations are deemed anticipated by Bradley as applied to claims 1-7 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley as applied to claims 1-7, 11-13, 15 and 16 above, and further in view of US Patent Application Publication No. 2002/0099650 to Cole (hereafter "Cole").

In regard to claims 8 and 14, Bradley discloses the limitations set forth above, but does not explicitly disclose the difference between the directive valuation and the suggested valuation being computed as a percentage difference. Cole discloses a method for processing loan applications, wherein a difference is computed between and AVM property value and a user-supplied suggested property value, and said difference is expressed as a percentage difference. It would have been obvious to one of ordinary skill in the art at the time of the invention to express the difference between the first and second appraisal values disclosed by Bradley as a percentage difference as disclosed by Cole. As disclosed by Cole, expressing an absolute difference between two values as a percentage difference was well known at the time of the invention.

Claims 9, 10, 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley as applied to claims 1-7, 11-13, 15 and 16 above, alone.

In regard to claims 9, 10, and 30-33, Bradley discloses the limitations of claims 1-7, 11-13, 15, and 16 above, including a reference table for use in computing a responsive confidence score for a suggested valuation of a subject real property (see, e.g., FIG. 13), said reference table being fixed on a tangible medium and computed by the following method: computing a plurality of directive confidence scores based on sales prices of a plurality of the previously sold properties (see, e.g., claim 1);

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computing adjusted confidence scores for suggested valuations which are different from the associative directive confidence scores (see, e.g., claim 1). Bradley does not explicitly disclose adjust the table for monotonicity. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjust table disclosed by Bradley so that the values listed in one of the columns trends upward or downward. It was well known at the time of the invention to allow users of electronic databases to view and arrange the data contained in the databases in various ways, including displaying the data in ascending or descending order based on value.

With respect to the above rejections, the Examiner has cited particular portions of the reference(s), and although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant consider each cited reference in its entirety as potentially teaching the limitations of the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED W. NEWTON whose telephone number is (571)272-2952. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

JWN
November 26, 2008